

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HOT SPRINGS DIVISION

JOHN T. NIX

PLAINTIFF

v.

Case No. 6:19-cv-6014

DR. N. VOWELL, et al.

DEFENDANTS

**ORDER**

Before the Court is the Report and Recommendation filed September 5, 2019, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 28). Judge Bryant recommends that this action be dismissed because Plaintiff is deceased and Plaintiff's personal representative or successor in interest has not filed a motion to substitute party as required by Federal Rule of Civil Procedure 25(a)(1).<sup>1</sup>

No objections to the Report and Recommendation have been filed, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Therefore, the Court adopts the Report and Recommendation (ECF No. 28) *in toto*. Accordingly, this action is hereby **DISMISSED WITHOUT PREJUDICE**.

**IT IS SO ORDERED**, this 25th day of September, 2019.

/s/ Susan O. Hickey  
Susan O. Hickey  
Chief United States District Judge

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<sup>1</sup> Plaintiff's personal representative or successor had ninety (90) days from the date that Defendants filed their Suggestion of Death on the Record (ECF No. 24), or until August 26, 2019, to file a motion to substitute party. *See* Fed. R. Civ. P. 25(a).